

AMENDED IN ASSEMBLY APRIL 18, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1665**

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**Introduced by Assembly Member Galgiani**

February 14, 2012

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An act to ~~amend Section 21080.13 of~~ *add Section 21080.14 to the* Public Resources Code, relating to environmental quality.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1665, as amended, Galgiani. California Environmental Quality Act: exemption: railroad crossings.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA exempts from its requirements railroad grade separation projects that eliminate an existing grade crossing or reconstruct an existing grade separation.

~~This bill would specify instead that the exemption for a railroad grade separation project is for the elimination of an existing at-grade crossing.~~

Existing law grants the Public Utilities Commission (PUC) the authority to regulate railroad crossings, as prescribed.

This bill would exempt from the CEQA actions or activities taken by the PUC under its authority to regulate *the closure of a railroad crossings grade crossing by order of the PUC under the above authority if the PUC finds the crossing to present a threat to public safety.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *Section 21080.14 is added to the Public Resources*  
2     *Code, to read:*  
3     21080.14. *This division does not apply to the closure of a*  
4     *railroad grade crossing by order of the Public Utilities*  
5     *Commission, pursuant to the commission's authority under Chapter*  
6     *6 (commencing with Section 1201) of Part 1 of Division 1 of the*  
7     *Public Utilities Code, if the commission finds the crossing to*  
8     *present a threat to public safety.*  
9     ~~SECTION 1. Section 21080.13 of the Public Resources Code~~  
10    ~~is amended to read:~~  
11    ~~21080.13. This division shall not apply to an action or activity~~  
12    ~~taken by the Public Utilities Commission pursuant to Chapter 6~~  
13    ~~(commencing with Section 1201) of Part 1 of Division 1 of the~~  
14    ~~Public Utilities Code or a railroad grade separation project that~~  
15    ~~eliminates an existing at-grade crossing or reconstructs an existing~~  
16    ~~grade separation.~~